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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,493	05/18/2000	Regis Nicolas	PALM-3025	9702

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EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 01/12/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/575,493

Applicant(s)

NICOLAS ET AL.

Examiner

Motilewa A. Good-Johnson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the following communications: Application, filed on 05/18/2000; Amendment A, filed 09/29/2003.

This action is made final.

2. Claims 1-46 are pending in this application. Claims 1, 10, 21 and 36 are independent claims. Claims 36 and 37 have been amended.

3. The present title of this application is "Electronic System Having Multiple Display Modes for Reorienting the Display of Data on a Display Screen" (as originally filed).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 10, 24-28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 recites "an electronic system . . ." and further recites "the method comprising the steps of . . ." Such a claim is indefinite; the examiner must be able to identify claims by their type, such as "apparatus" claims (MPEP 2114), "process for use" claims (MPEP 806.05(e), 806.05(f)), "process for making a product" claims (MPEP 806.05(e), 806.05(f)), "product made" claims (MPEP 2173.05(p)), or "composition" claims (MPEP 2173.05(t)).

6. Such claim language as "a method and means" combines a "process for making a product" claim (suggested by the word "method") with an "apparatus" claim

(suggested by the word "means"), and is therefore improper. The examiner suggests that the applicant write an independent claim, with its corresponding dependent claims, that describes the method of operating the electronic system in one of first, second and third display modes, and another independent claim, with its corresponding dependent claims, that describes the apparatus through which the rotated display mode is generated.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1-4, 10, 11, 21, 36-38, 40 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al., U.S. Patent Number 6,137,468, "Method and Apparatus for Altering a Display in Response to Changes in Attitude Relative to a Plane", class 345/672, 10/24/2000, filed on 10/15/1996.

As per independent claim 1, "an electronic system capable of being rotated with respect to a line of sight . . . comprising: a processor coupled to a bus;" Martinez discloses microprocessor 202 connected to system bus 200, col. 3, lines 40-41; "a memory device coupled to said bus"; Martinez discloses RAM, ROM, CMOS RAM connected to system bus 200, col. 3, lines 45-55, see also figure 2; "a communication port coupled to said bus, wherein each display mode depends on a position of said communication port relative to said line of sight of said user . . ."; Martinez discloses a sensor for detecting changes in position located in the data processing system or externalized with a peripheral device, col. 3, lines 18-22; "one or more display mode controls for selectively operating said electronic system in one of said first, said second and said third display modes . . ."; Martinez discloses a rotating laptop having different orientations in the X, Y and *attitude* based upon data obtained from a sensor, col. 4, lines 17-67; "and an electronic display device coupled to said bus . . . configured for displaying visual data in a display orientation . . ." Martinez discloses display device which displays the changed data in response to changes in attitude, col. 5, lines 7-23.

With respect to dependent claim 2, ". . . electronic display device display visual data in said first display orientation . . . located in front of said user . . . second display orientation . . . right of said user . . . third display orientation . . . left of said user." Martinez discloses in figures 5A-5C, see also col. 4, lines 50-58.

With respect to dependent claim 3, ". . . second display orientation is offset positive 90 degrees relative to said first display orientation." Martinez discloses laptop rotated 90 degrees, col. 4, lines 55-56.

With respect to dependent claim 4, “. . . third display orientation is offset negative 90 degrees relative to said first display orientation.” Martinez discloses laptop rotated negative 90 degrees, col. 4, lines 35-37.

As per independent claims 10 and 21 they are rejected based upon similar rational as above independent claim 1.

With respect to dependent claim 11, it is rejected based upon similar ration as above dependent claim 2.

As per independent claim 36 and dependent claim 37, they are rejected based upon similar rational as above independent claim 1.

With respect to dependent claims 38, 40, and 41 they are rejected based upon similar rational as above dependent claims 2-4 respectively.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5-9, 12-20, 22, 23-34, 39 and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez as applied to claim 1 above, and further in view of Kang et al., U.S. Patent Number 5,949,408, “Dual Orientation Display Handheld Computer Devices”, class 345/169, 09/07/1999, filed on 02/13/1997.

With respect to dependent claim 5, “. . . handwriting recognition device . . .”

Martinez discloses a sensor for detecting changes in position in a display device and that the device may be associated with some pointing device, col. 3, lines 18-22, but fails to disclose a handwriting recognition device. Kang et al. discloses in col. 55-58, a display device such as a palmtop or other display device, in which a human user writes with a stylus on a display. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the handwriting display device disclosed in Kang in the display device disclosed in Martinez to detect changes in position in all pointing device systems, because both systems use pointing devices.

With respect to dependent claim 6, “. . . one of said first, said second and said third display modes is a default display mode.” Martinez discloses one can change the display mode from a landscape mode to a portrait mode by rotating the display, col. 4, lines 40-49.

With respect to dependent claim 7, “. . . one or more display mode controls are one or more buttons.” Martinez discloses icons, figures 5A-5C, but fails to disclose one or more display mode controls as buttons. Kang et al. discloses graphical buttons, or hard icons appearing in the workspace and having orientation control, col. 6, lines 5-8, col. 5, lines 15-29. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the display mode graphical buttons or hard icons disclosed in the invention of Kang, to the icons disclosed in the invention of Martinez, to allow user controlled display modes and windows, in that both systems display icons for controlling the window displayed.

With respect to dependent claim 8, “. . . communication port is an infrared communication port.” Martinez discloses data communication, col. 1, lines 15-22.

With respect to dependent claim 9, “. . . electronic system is a palmtop computer system.” Martinez discloses a display device system, but fails to disclose the system as a palmtop. Kang discloses a palmtop system, col. 1, lines 40-50. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the palmtop system of Kang in the display system of Martinez, in that both systems are portable and rotate display data, and to further accommodate consumer demands for portable devices that includes laptops and palmtop devices.

With respect to dependent claim 12, “. . . communicating with said second electronic system via said communication port.” Martinez discloses data communication, col. 1, lines 15-22.

With respect to dependent claim 13, “. . . second display orientation is offset positive 90 degrees relative to said first display orientation.” Martinez discloses laptop rotated 90 degrees, col. 4, lines 55-56.

With respect to dependent claim 14, “. . . third display orientation is offset negative 90 degrees relative to said first display orientation.” Martinez discloses laptop rotated negative 90 degrees, col. 4, lines 35-37.

With respect to dependent claims 15-18 and 20, they are rejected based upon similar rational as above dependent claims 5-6, 8, 7 and 9 respectively.

With respect to dependent claim 19, “. . . display orientation selector is a graphical menu element displayed on said electronic display device.” Martinez fails to

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disclose a graphical menu element. Kang discloses in figures 3 and 4 a graphical menu to perform user request such as a portrait or landscape display, col. 5, lines 1-33. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the graphical menu of Kang in the display device of Martinez, because in electronic display device systems a graphical menu is displayed to control the windows, and because Martinez discloses user input, to further allow for user-friendly display rotate commands.

With respect to dependent claims 22, 23, 29-34, they are rejected based upon similar rationale as dependent claims 7, 7-8, 5, 6, 12, 14, 2 and 9 respectively.

With respect to dependent claim 24, Martinez fails to disclose a user selection, but does disclose user input. Kang discloses in figure 3 and 4, and col. 5, et seq., displaying a display re-oriented to a user selection and receiving the input from a user and adjusting the display based upon the display mode. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the display mode request of Kang in the user selection of Martinez to allow for user-friendly display rotate commands.

With respect to dependent claim 25, Martinez fails to disclose transmitting the display mode configuration to a second system and configuring said second system. Kang discloses in col. 9, lines 60-67, achieving display rotation external to the controller. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the palmtop of Kang in the electronic display devices of Martinez to accommodate all portable display devices. Furthermore, in display devices such as a

palmtop, the display is transmitted to a second system, and it would have been obvious to transmit the display mode as well as the display to a second system to view working space as it was originally presented.

With respect to dependent claim 26, Examiner takes official notice that in palmtops said system communicates with a second system via a communication port.

With respect to dependent claim 27 and 28, Martinez discloses user input, but fails to disclose a user selection. Kang discloses in figure 3 and 4, and col. 5, et seq., displaying a display re-oriented to a user selection and receiving the input from a user with graphical buttons and menu, and further adjusting the display based upon the display mode. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the user selection of Kang into the user input of Martinez to allow for user-friendly display rotate commands, in that Martinez discloses user input.

With respect to dependent claims 39 and 42-46, they are rejected based upon similar rational as dependent claims 8, 5, 6, 7, 7 and 9 respectively.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response to Arguments

12. Applicant's arguments filed 09/29/2003 have been fully considered but they are not persuasive.

Applicant argues that Martinez fails to disclose altering the display in response to rotating the computer system to facilitate interaction with a second electronic system by a user. Martinez discloses altering the display of a data processing system detected relative to a reference plane and in response to detecting selected changes in the attitude of the device. Martinez further discloses the device is a data processing system in which a display is altered in response to a change in orientation in hardware associated with the data processing system, it is therefore inherent that the second electronic system may be implemented as the reference plane and therefore the invention of Martinez would alter the computer display in response to the second electronic system and detecting the selected changes in the attitude of the device. Applicant states that the prior art, Martinez discloses the display device is altered when the system is tilted. Martinez discloses rotating the laptop, which results in a change in the orientation and alteration of the display, cols. 4-5.

Applicant argues that Kang fails to disclose an electronic system capable of being rotated with respect to a line of sight of a user with several display modes. Kang et al. discloses in col. 55-58, a display device such as a palmtop or other display device, in which a human user writes with a stylus on a display. Kang further discloses a dual-orientation display for different modes of viewing the display. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the handwriting display device disclosed in Kang in the display device disclosed in Martinez to detect changes in position in all pointing device systems, because both systems use pointing devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (703) 305-3939. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

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Motilewa A. Good-Johnson
Examiner
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mgj
January 6, 2004



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